

June 29, 2024

Re: In re Purdue Pharma L.P., et al., Case No. 24-cv-2958(NSR)

Hon. Nelson S. Roman
United States District Judge
500 Pearl Street
New York, NY 10007

Dear Judge Roman

I Amanda Morales appellant am writing in response to the debtors letter/motion filed on 6/13/2024.

Appeal Timely Filed

The debtors are claiming my appeal was filed untimely. The debtors claim the notice of appeal was filed on April 12, 2024 which is 2 days after the 14 day rule. I mailed the Notice of Appeal on April 10, 2024 and paid for overnight shipping and attached is the proof that my appeal was timely filed. At 1:23pm on April 10, 2024 this was paid for and expected to be shipped and delivered for next day delivery but it wasn't delivered until April 12, 2024.

General rule. Title 26 U.S.C. 7502 provides that, if the requirements of such section are met, a document shall be deemed to be filed on the date of the postmark stamped on the cover in which such document was mailed. Thus, if the cover containing such document bears a timely postmark, the document will be considered filed timely although it is received after the last date, or the last day of the period, prescribed for filing such document.

I know it's not up to me but I'd like to make a suggestion that the courts should note the postdate on mailed documents if one is present to save time arguing when something was sent to save time. My notice of appeal was mailed in a priority post office envelope with a tracked insurance barcode that could have been verified by the court when they received it. The postmark had the date of April 10, 2024 which means my motion was filed timely.

Factual and Procedural Background

Defendants are claiming I said I shouldn't wait for restitution" but that's not true my argument is that my claim shouldn't be treated like one related to the opioid crisis.

On 2/22/2024 TWELFTH AMENDED ORDER EXTENDING TIME TO OBJECT TO DISCHARGEABILITY OF CERTAIN DEBTS.

TWELFTH AMENDED ORDER EXTENDING TIME TO OBJECT TO DISCHARGEABILITY OF CERTAIN DEBTS.

On 2/22/2024 order it states

"Pursuant to Bankruptcy Rule 4007(c), the deadline, if any, by which a creditor must file a complaint to determine the dischargeability of a debt pursuant to section 523 of the Bankruptcy Code, as referenced in section 1141(d)(6) of the Bankruptcy Code (the "Determination Deadline") is extended through and including September 2, 2024, without prejudice to further extensions upon the request of the Debtors.

3. Nothing in this Twelfth Amended Order constitutes a determination regarding the nondischargeability of any debt under section 1141(d) of the Bankruptcy Code, that sections 523 or 1141(d)(6) of the Bankruptcy Code, and/or Bankruptcy Rule 4007 apply in the Chapter 11 Cases, or that the Determination Deadline applies in these Chapter 11 Cases."

So after reading this I decided to file a motion to object to the debt for my claim to be discharged because I thought I could do that.

Rule 4007. Determination of Dischargeability of a Debt

(a) Persons Entitled To File Complaint. A debtor or any creditor may file a complaint to obtain a determination of the dischargeability of any debt.

(b) Time for Commencing Proceeding Other Than Under §523(c) of the Code. A complaint other than under §523(c) may be filed at any time. A case may be reopened without payment of an additional filing fee for the purpose of filing a complaint to obtain a determination under this rule.

(c) Time for Filing Complaint Under §523(c) in a Chapter 7 Liquidation, Chapter 11 Reorganization, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case; Notice of Time Fixed. Except as otherwise provided in subdivision (d), a complaint to determine the dischargeability of a debt under §523(c) shall be filed no later than 60 days after the first date set for the meeting of creditors under §341(a). The court shall give all creditors no less than 30

days' notice of the time so fixed in the manner provided in [Rule 2002](#). On motion of a party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be filed before the time has expired.

(d) Time for Filing Complaint Under §523(a)(6) in a Chapter 13 Individual's Debt Adjustment Case; Notice of Time Fixed. On motion by a debtor for a discharge under §1328(b), the court shall enter an order fixing the time to file a complaint to determine the dischargeability of any debt under §523(a)(6) and shall give no less than 30 days' notice of the time fixed to all creditors in the manner provided in [Rule 2002](#). On motion of any party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be filed before the time has expired.

(e) Applicability of Rules in Part VII. A proceeding commenced by a complaint filed under this rule is governed by Part VII of these rules

On 3/05/2024 I filed my motion to object to discharabilty debt and was denied a hearing date. I've never had any hearing with Judge Sean Lane but his mind was made up. I did attend the hearing on 3/20/2024 but was not on the docket to be heard on my motion so that same day I emailed the clerk to inquire about when my motion would be heard and she emailed me back saying that I would be notified if my motion would be allowed a hearing date. At this hearing was a gentleman trying to sue Purdue Pharma was arguing the spelling of the name and judge Sean Lane said he couldn't do that and said they had already discussed this the last 3 hearings they have had. So other people have had multiple hearings with judge Sean Lane and I was unable to get even one hearing with him.

Then 7 days later on March 27,2024 judge Sean Lanes order (Doc. 6274) Order signed on 3/27/2024 Regarding Contact with Chambers stated "**ORDERED that to the extent Ms Morales is seeking relief before the court regarding legal issues which have been decided in the above captioned cases, she is directed to cease filing such duplicative requests.**" These issues were decided without any hearing? The defendants didn't even have to respond and they managed to get a decision in their favor? Why? I was also told not to contact the court by email but I was just inquiring about a hearing date.

Supreme Court Ruling

In light of the Supreme Courts decision to not allow immunity to the Sacklers to claimants who didn't consent to the settlement agreement my case should not be ignored and I should be heard. Supreme Court "its judgement is reversed and the case is remanded for further proceedings consistent with this opinion P.19.69f.4th 45. Reversed and remanded"

I just worry about fairness and I'm not trying to seek relief that would prevent any other creditors from getting what they deserve or financially wipe the defendants so they would have difficulty taking care of the many responsibilities I know they have or make it hard for them. A reasonable resolution is in everyone's best interest and I hope the court can help us resolve this matter. This has definitely been a long time 14 years since my father died and it's been very difficult for so many reasons for me and it's been painfully heartbreaking for me and it weighs down on my heart, I've asked for compassion in the past from the defendants to try to reach a resolution and unfortunately they were unwilling to do anything to make this any easier. I just want to do whatever I can to get to that goal of closure and acceptance for everything that's happened and so my father can also finally be buried because I've had him all this time and a proper burial would be nice for him. I am married but have kept my maiden name because it's pretty much the only thing I have left of my father and I don't want to give it up. I am hopeful that a resolution is possible and can be accomplished very soon.

Amanda Morales

(505) 318-2400

205 Calle Del Banco

Bernalillo, NM 87004

7:34  •  5G 

 tools.usps.com/go/Track   

April 12, 2024, 6:23 am

Arrived at Post Office
WHITE PLAINS, NY 10606
April 12, 2024, 6:12 am

Arrived at USPS Regional Destination Facility
WHITE PLAINS NY DISTRIBUTION CENTER
April 11, 2024, 5:58 pm

Departed USPS Facility
ALBUQUERQUE, NM 87101
April 10, 2024, 7:28 pm

Arrived at USPS Origin Facility
ALBUQUERQUE, NM 87101
April 10, 2024, 6:07 pm

Departed Post Office
BERNALILLO, NM 87004
April 10, 2024, 5:02 pm

USPS in possession of item
BERNALILLO, NM 87004
April 10, 2024, 1:23 pm

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Text & Email Updates 

Proof of Delivery 

  



Tracking Number:

Remove

EI178234496US

[Copy](#) [Add to Informed Delivery](#)

Scheduled Delivery by

THURSDAY

11 April 2024

by
6:00pm

Your item was delivered in or at the mailbox at 11:33 am on April 12, 2024 in WHITE PLAINS, NY 10601. Waiver of signature was exercised at time of delivery.

Delivered

Delivered, In/At Mailbox

WHITE PLAINS, NY 10601
April 12, 2024, 11:33 am

Out for Delivery

WHITE PLAINS, NY 10601
April 12, 2024, 6:23 am

Arrived at Post Office

WHITE PLAINS, NY 10606
April 12, 2024, 6:12 am

Arrived at USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER
April 11, 2024, 5:58 pm

Departed USPS Facility



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1 day of July , 2024 , a copy of the document(s) entitled motion for judicial notice was/were emailed to. James Mcclammy
james.mcclammy@davispolk.com